



**REPORT TO PERFORMING ARTS FACILITIES SELECT COMMITTEE
MEETING OF WEDNESDAY, JANUARY 19, 2022**

SUBJECT **Costs and Timeline Associated with a Region-Wide Referendum on a Full Regional Performing Arts Facilities Service**

ISSUE SUMMARY

The only remaining option for electoral approval of a full regional performing arts facilities service is through region-wide referendum. This report estimates the costs, timeline, and additional required staff capacity required to deliver a region-wide referendum on this issue.

BACKGROUND

On September 8, 2021, the Board considered a set of four recommended motions from the Performing Arts Facilities Select Committee (PAFSC) that would establish a new full regional performing arts facilities service as set out in Bylaw No. 4445 through Alternative Approval Process (AAP). The motions related to the service itself carried, but the motion related to AAP did not carry, resulting in no clear path forward for bylaw approval.

On October 13, 2021, the Board voted to take no further action on Bylaw No. 4445 and refer the matter to PAFSC to explore full regional options without AAP as well as sub-regional options.

On December 8, 2021, PAFSC considered a report on advancing a full regional performing arts facilities services without AAP. Because the Board voted against using AAP and Langford Municipal Council indicated by letter that they would not consent to participate in a new performing arts facilities service, the only remaining option for electoral approval would be a region-wide referendum. PAFSC passed a motion that “staff report back to the Committee with detailed costing and timeline for running a region-wide referendum, including additional requirements for staff capacity”.

This report responds to the December 8, 2021, PAFSC motion. Costs and additional staffing requirements are detailed in the *Financial Implications* section below. Assuming the Board approves the funding as part of the 2022 CRD budget, the timeline of a region-wide referendum would be coordinated to take advantage of the general local elections occurring on October 15, 2022 (see Table 1 for timeline details).

Table 1. Timeline for Region-Wide Referendum

Dates	Action	Rationale
March 2022	Add referendum expenses to 2022 CRD final budget	Necessary to fund referendum through feasibility reserve fund
April 13 2022	Board resolution to appoint CEO and DCEOs	s. 58 LGA
April – June 2022	Onboarding of auxiliary staff to support legislative services with referendum; Draft, negotiate and execute service contacts with all 13 municipalities	Staff will be required to negotiate individual service contracts with all municipalities for administration of referendum ballots and shared polling locations

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Dates	Action	Rationale
June 8, 2022	Ensure bylaw has 1st–3rd reading; Board resolution to establish polls and referendum question; approval of bylaw synopsis	s. 344 of LGA
June 16, 2022	Bylaw sent to Inspector of Municipalities for approval (to be approved after July 27, 2022 for 80-day window)	s.174(2)(d) of LGA
July 15, 2022	Set up webpage for referendum process and details, including bylaw synopsis and FAQs on service	Inform public on the referendum purpose and process
July 15, 2022	Launch Public Awareness Plan (see <i>Communications Considerations</i> below)	Inform public on costs and benefits of the proposed new service
August, 2022	Notice of Advance Registration & Notice of Application to Volunteer as Scrutineer	S. 182(1) LGA
August 30 – September 9, 2022	10-day Period for receiving Applications for Scrutineers	S. 183(2)(b) LGA
September 15 – October 9, 2022	Notice of referendum; to be published in a newspaper at least once each week for 2 consecutive weeks	s. 176 LGA
October 5 & 12, 2022	Advance Voting Opportunities	s. 107(1) CRD Elections Bylaw
October 15, 2022	Referendum held on same day as general local elections	Leverage existing voting infrastructure where possible
November 16, 2022	CRD Board receives results of referendum and if successful, adopts bylaw	s. 158(1) LGA
December 17, 2022	Adopted Establishing Bylaw filed with Inspector of Municipalities following one month quashing period	s. 623(3) LGA

ALTERNATIVES

Alternative 1

That the Costs and Timeline Associated with a Region-Wide Referendum on a Full Regional Performing Arts Facilities Service report be received for information and policy options for sub-regional performing arts facilities services be considered.

Alternative 2

The Performing Arts Facilities Select Committee recommends to the Capital Regional District Board:

1. That staff be directed to implement the elector approval process by way of a region-wide referendum for Bylaw No. 4445, with the general voting day held on October 15, 2022 in conjunction with the general local elections.
2. That third reading of Bylaw No. 4445, “Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021”, be rescinded.
3. That the amended Bylaw No. 4445, “Regional Performing Arts Facilities Service Establishing Bylaw No. 1, 2021”, be read a third time;
4. That Bylaw No. 4445 be forwarded to the Inspector of Municipalities for approval.
5. That the 2022 Budget for the Feasibility Reserve Fund be increased by \$504,000 to cover the expenses of a region-wide referendum for Bylaw No. 4445.

IMPLICATIONS

Financial Implications

The estimated total cost of a region-wide referendum is \$504,000 (Appendix A). This cost estimate is based on the CRD conducting the referendum in conjunction with the 2022 municipal election and having the referendum question on each of the individual municipal election ballots.

If the Board elects to proceed by way of a region-wide referendum, it would require the establishment of at least 25 in-person polling locations across all 13 municipalities and the 3 electoral areas. The locations would need be staffed by a minimum of 4 to 6 staff per location, for at least one advance polling day in addition to the general voting day. A referendum requires many of the same steps that are required for a general election (see Table 1 above). However, for a regional referendum the magnitude of the work is exponentially greater given the expansion of the potential number of voters (all eligible voters within the CRD) and the geographic distribution and number of polling locations.

There are efficiencies that would be realized by having a regional referendum in conjunction with the municipal general election on October 15, 2022, as CRD could contract with municipalities to assist by placing the referendum question on municipal ballots, and sharing polling locations and staff, similar to how municipalities administer School District elections on a cost-share basis.

The financial estimate provided in Appendix A is based on an informal canvassing of municipal staff of the potential costs they would seek to recover under contract from CRD if they were to assist with the administering the referendum question. There are a number of contingent factors that could increase or decrease the cost estimate. For example, a municipality may choose not to assist or may not be required to run an election if the seats are acclaimed, in which case CRD would assume the full cost of establishing a polling location in that area. Other factors that would affect costs are whether a separate ballot is required (or whether there is space on the municipal ballot), whether statutory advertising can be combined, or even whether electronic vote counting machines are being used (which can significantly increase the cost of each ballot printed).

Legislative Services staff currently have no capacity to administer a stand-alone referendum in 2022. Staff could administer a referendum in conjunction with the general election with additional contracted staff support; however, service plan adjustment would need to be made to defer other governance projects and processes requiring electoral approval. Arts and Culture staff would also be required to dedicate substantial capacity to support the referendum. The total estimated additional staffing expenses for a region-wide referendum held in conjunction with the general election are \$54,000. This cost forms part of the \$504,000 total estimate.

If the new full regional performing arts facilities service receives electoral approval in October 2022, then the financial requirements of the new service would be incorporated into the budget planning process for the 2023 CRD budget.

Legislative Considerations

Participating area approval may be obtained by way of region-wide assent vote, commonly called referendum, per sections 336, 342 (4), and 344 of the LGA. Other potential forms of approval that have been previously considered by the Board, but rejected, are municipal consent on behalf with alternative approval processes in the electoral areas, or a region-wide alternative approval process.

To initiate a region-wide assent vote, commonly known as referendum, the Board must select this method by a two-thirds majority vote.

The Board's choice on approval method is subject to review by the Inspector of Municipalities, who retains discretion to direct an alternative method.

Bylaw No. 4445 currently specifies that electoral approval would be sought through region-wide AAP. In order to advance this initiative by region-wide referendum, the third reading of Bylaw No. 4445 would need to be rescinded by the CRD Board. An amended Bylaw No. 4445 is required to specify that electoral approval is being sought through region-wide assent voting (Appendix B).

Communication Considerations

In addition to the legal requirements, a public awareness plan would be launched in conjunction with the public notice (see Appendix C for more details). The plan would ensure that voters have all the facts on the costs and benefits associated with a new fully regional performing arts facilities service under proposed Bylaw No. 4445. The plan would leverage the CRD's new engagementHQ digital tools, as well as social media channels and traditional media advertising. The goal of the public awareness plan is not to advocate in favour nor against the referendum issue, but instead to provide unbiased factual information about the proposed new service.

Service Delivery Implications

If the new full regional performing arts facilities service receives electoral approval in October 2022, then the service could launch its programs in 2023, as detailed in the updated service plan (Appendix D).

CONCLUSION

The Performing Arts Facilities Select Committee directed staff to provide more details on region-wide referendum as a potential method of gaining electoral approval for a new full regional performing arts facilities service. At this time, region-wide referendum is the only remaining option to advance a full regional service. The staff report details costs and additional required staff capacity, as well as a timeline for a potential region-wide referendum aligned to the 2022 general local elections in order to leverage existing voting infrastructure.

RECOMMENDATION

That the Costs and Timeline Associated with a Region-Wide Referendum on a Full Regional Performing Arts Facilities Service report be received for information and policy options for sub-regional performing arts facilities services be considered.

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ATTACHMENT(S)

- Appendix A: Cost Estimate for Region-Wide Referendum as part of 2022 Municipal Elections
- Appendix B: Amended Bylaw No. 4445
- Appendix C: Communications Plan for Public Awareness on Referendum and Proposed Service
- Appendix D: Updated Service Plan for Full Regional Performing Arts Facilities Service